PRG

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,943	10/26/2001	Darren J. Cepulis	1662-50300 JMH (P99-2534)	3670

23505 7590 06/19/2003

CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	3

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,943	Applicant(s) CEPULIS, DARREN J.	
	Examiner Yasin M Barqadle	Art Unit 2153	

-- Th MAILING DATE of this communication appears on the cov r sheet with th correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-27 is/are rejected.

7)☒ Claim(s) 5 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 5 recites the limitation "said management logic" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al US (6256732).

As per claim 1, Cromer et al teach a computer system, comprising:

a host (system 12) including a CPU (Fig. 3, 54) coupled to a memory (Fig. 3, 66) and host-specific information stored in said memory [Fig. 3 and Col. 2, lines 39-62 and Col. 5, lines 10-34]; and

a device (Fig. 5, 94) separate from and coupled to said host (Fig. 5), said separate device uploads at least a portion of said host-specific information prior to run-time [Col. 2, lines 52-62; Col. 8, lines 42-49 and Col. 9, lines 58-67].

As per claim 2, Cromer et al teach the computer system of claim 1 wherein said memory comprises non-volatile memory [Fig. 3, 66 and Fig.5, 120].

As per claim 3, Cromer et al teach the computer system of claim 2 wherein said memory comprises volatile memory [Fig.3, RAM 62]

As per claim 4, Cromer et al teach the computer system of claim 1 wherein said separate device comprises a subsystem used to remotely control the host [Fig.5].

As per claim 5, Cromer et al teach the computer system of claim 4 wherein the host specific information includes a signature which identifies the information and said management logic searches for said signature to find said host specific information [Col. 8, lines 42-58 and Col. 9, lines 1-67].

As per claim 6, Cromer et al teach the computer system of claim 5 wherein the management logic requests the CPU to coordinate the transfer of the host specific information to the management logic [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 7, Cromer et al teach the computer system of claim 5 wherein the management logic uploads the host specific information to the management logic with the involvement of the CPU [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 8, Cromer et al teach the computer system of claim 1, wherein said separate device includes a CPU [Col.8, lines 22-58].

As per claim 9, Cromer et al teach the computer system of claim 1 wherein the management logic uploads the host specific information during power on self test [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 10, Cromer et al teach the computer system of claim 4 wherein said management logic uses said host specific information to provide management functionality [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 11, Cromer et al teach the computer system of claim 10 wherein the host specific information includes a signature which identifies the information and said management logic searches for said signature to find said host specific information [Col. 9, lines 1-67].

As per claim 12, Cromer et al teach the computer system of claim 11 wherein the management logic request the CPU to coordinate the transfer of the local specific information to the management logic [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 13, Cromer et al teach the computer system of claim 11 wherein the management logic uploads the host specific information to the management logic without the involvement of the CPU [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 14, Cromer et al teach the computer system of claim 10 wherein said separate device includes a CPU [Col. 8, lines 42-58].

As per claim 15, Cromer et al teach the computer system of claim 10 wherein said separate device operates from an auxiliary power source that is available even if the host is off [Fig. 5, 107].

As per claim 16, Cromer et al teach the computer system of claim 10 wherein the management logic uploads the host specific information during power on self-test [Col. 9, lines 1-67 and Col. 10, lines 1-56].

As per claim 17, Cromer et al teach a logic unit, comprising

a CPU [Fig. 5, 114 and Col. 8, lines 42-58];

memory coupled to said CPU [Fig. 5, 120];

wherein said logic is adapted to couple to a host computer system and upload host computer information prior to run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 39-67].

As per claim 18, Cromer et al teach the logic unit of claim 17 wherein said logic unit comprises management logic which manages said host computer system [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 19, Cromer et al teach the logic unit of claim 18 wherein the host computer specific includes a signature which identifies the information and said logic unit searches for said signature to find said host computer specific information [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 20, Cromer et al teach the logic unit of claim 19 wherein the logic unit is configured to request a CPU in the host computer system to coordinate the transfer of the host computer specific information to the logic unit [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 21, Cromer et al teach the logic unit of claim 19 wherein the logic unit uploads the host computer specific information without the involvement of a CPU in the hosts computer system [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 22, Cromer et al teach the logic unit of claim 17 wherein the logic unit uploads the host computer specific information during a power on self test event [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 23, Cromer et al teach the logic unit of claim -17 wherein said logic unit operates from a different power source than the host computer system and, said logic unit can be powered

on even if the host computer system is powered off [Fig. 5, 107, Col. 10, lines 47-56].

As per claim 24, Cromer et al teach a method of operating a logic unit coupled to a host computer, comprising:

(a) searching for host computer specific information [Figs. 6 and 7 shows host specific information and the steps needed to build and upload the data packet. See also Col. 8, lines 22-58 and Col. 9, lines 39-67];

(b) upon finding said information, uploading said information to the logic unit [Col. 8, lines 42-58 and Col. 9, lines 39-67]; and

(c) using the information during the operation of the logic unit [Col. 8, lines 42-58 and Col. 9, lines 39-67];

wherein (a) and (b) do not occur during run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 39-67].

As per claim 25, Cromer et al teach the method of claim 24 wherein (a)) and (b) occur prior to run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 39-67].

As per claim 26, Cromer et al teach the method of claim 24 wherein (b) includes requesting a CPU in the host computer to coordinate the transfer of the information to the logic unit [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 27, Cromer et al teach the method of claim 24 wherein the information is copied to the logic unit without the involvement of a CPU in the host computer [Col.8, lines 22-67 and Col. 9, lines 1-67].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin M Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-304-3900.

Y. Barqadle
June 13, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100